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Chocolate Magic Las Vegas LLC, Dino DiCienzo
9 and Douglas Birrell

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 CHOCOLATE MAGIC LAS VEGAS LLC, a
13 Delaware limited liability company,

14 Plaintiff,

15 vs.

16 BLAIR ELLIOT FORD, JR., an individual;
17 CINDY WIX-INGLING, an individual;
NORMAN VIDA, an individual; and ALICE
KELLEY, an individual, inclusive,

18 Defendants.

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CINDY WIX-INGLING

20 Counter-Claimant,

21 vs.

22 CHOCOLATE MAGIC LAS VEGAS LLC,
a Delaware Limited Liability Company;
DINO DICENZO, an individual;
DOUGLAS BIRRELL, an individual;
inclusive,

23 Counter-Defendants.

12 CASE NO.: 2:17-CV-00690-GMN-NJK

13 **STIPULATION AND ~~PROPOSED~~
ORDER TO STAY DEADLINE FOR
COUNTER-DEFENDANTS DINO
DICENZO AND DOUGLAS BIRRELL
TO RESPOND TO THE
COUNTERCLAIM [ECF NO. 14]**

14 **(FIRST REQUEST)**

25 The parties hereby stipulate and agree to stay the deadline for Counter-defendants Dino
26 DiCienzo and Douglas Birrell to answer or otherwise respond to Defendant/Counterclaimant

1 Cindy Wix-Ingling's Counterclaim (ECF No. 14) which has a current due date of July 3, 2017.

2 Pending before the Court are the following motions: (1) Defendant Blair Ford's Special
3 Motion to Dismiss Plaintiff's Complaint Pursuant to NRS 41.660 and Motion to Dismiss Pursuant
4 to FRCP 12(b)(6) (ECF No. 21) ("Anti-SLAPP Motion"); and (2) Plaintiff Chocolate Magic Las
5 Vegas LLC's ("Chocolate Magic") Motion to Dismiss Three of Counterclaimant's Seven Causes
6 of Action Pursuant to Rule 12(b)(6) (ECF No. 27) ("Motion to Dismiss").

7 In view of the pending motions, the undersigned parties have conferred and agree to stay
8 the deadline for Counter-defendants Dino DiCienzo and Douglas Birrell to answer or otherwise
9 respond to Defendant/Counterclaimant Cindy Wix-Ingling's Counterclaim pending this Court's
10 ruling on the Anti-SLAPP Motion and Chocolate Magic's Motion to Dismiss. Rulings on these
11 motions will necessarily impact which claims and issues will proceed in this case including which
12 counterclaims will proceed against Mr. DiCienzo and Mr. Birrell. Additionally, discovery in this
13 matter is currently stayed pending a ruling on the Anti-SLAPP Motion. The parties agree that, in
14 the interest of judicial economy and conservation of party resources, a stay is proper.

15 The parties further stipulate that Dino DiCienzo's and Douglas Birrell's responses to
16 Defendant/Counter-claimant Cindy Wix-Ingling's Counterclaim will be due fifteen (15) days after
17 this Court issues a ruling on the Anti-SLAPP Motion and Chocolate Magic's Motion to Dismiss,
18 whichever is later.

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1 The foregoing request to stay is made in good faith, and is not made for the purpose of
2 delay.

3 **IT IS SO STIPULATED:**

4 Dated this 27th day of June, 2017.

Dated this 27th day of June, 2017

5 LEWIS ROCA ROTHGERBER CHRISTIE LLP

JESSE SBAIH & ASSOCIATES, LTD.

6

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34 *Attorneys Defendant/Counterclaimant
35 Cindy Wix-Ingling*

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37 **ORDER**

38 IT IS SO ORDERED:

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